

**COUNTY COUNCIL  
OF  
HARFORD COUNTY, MARYLAND**

**BILL NO. 98-33**

Introduced by Council President Parrott at the request of the County Executive

Legislative Session Day No. 98-20

Date: July 21, 1998

**AN ORDINANCE approving and providing for a multi-year Installment Purchase Agreement by Harford County, Maryland to acquire development rights in up to 80 acres of agricultural land located at 2451 Bradenbaugh Road, Jarrettsville, Maryland from George L. Kegley, III and Marlene G. Kegley, or any other owner thereof for a maximum purchase price of \$1,889.15 per acre or portion thereof (excluding one acre for any existing residential dwelling); providing that the County's obligation to pay such purchase price and interest thereon shall be a full faith and credit general obligation of the County; providing for the levying of taxes for such payments; authorizing the County Executive to make modifications in such Agreement under certain circumstances; providing for and determining various matters in connection therewith.**

By the Council, July 21, 1998

Introduced, read first time, ordered posted and public hearing scheduled

on: August 18, 1998

at: 6:15 p.m.

By Order: Mary Kate Heubig, Acting Administrator

**PUBLIC HEARING**

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on August 18, 1998, and concluded on August 18, 1998.

Deane David Lewis,  
Acting Administrator

**EXPLANATION:**

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

RECITALS

1  
2 In accordance with the provisions of Section 524 of the  
3 Charter of Harford County (the "Charter"), the Annual Budget and  
4 Appropriation Ordinance of Harford County, Maryland (the "County")  
5 the Budget for fiscal year 1999, Bill No. 98-13 (the "Budget  
6 Ordinance") includes a project permitting the County to enter into  
7 installment purchase agreements to acquire development rights in  
8 agricultural lands located within the County, which Budget  
9 Ordinance was adopted by the County Council of Harford County,  
10 Maryland (the "County Council") as part of the Budget Ordinance, in  
11 accordance with the Charter.

12 Section 520 of the Charter provides that "any contract, lease  
13 or other obligation in excess of three thousand dollars (\$3,000)  
14 requiring the payment of funds from the appropriations of a later  
15 fiscal year shall be authorized by legislative act, and Section 524  
16 of the Charter provides that the County may incur debt and pursuant  
17 to Bill No. 93-2 passed by the County Council on April 6, 1993,  
18 approved by the County Executive of the County on April 20, 1993,  
19 and effective on June 21, 1993 (the "Authorizing Act"), the County  
20 has been authorized and empowered to enter into installment  
21 purchase agreements to purchase easements for agricultural land  
22 preservation purposes.

23 The Authorizing Act provides that after review by the Harford  
24 County Agricultural Advisory Board in accordance with the County's  
25 Easement Priority Ranking System and approval by the Harford County

1 Board of Estimates, the County Council, may approve and provide for  
2 the acquisition of the development rights in each particular parcel  
3 of agricultural land, as defined in the Authorizing Act.

4 Attached to this Ordinance as Exhibit A is an application to  
5 sell a development rights easement signed by the landowner where  
6 agricultural land is the subject of this Ordinance.

7 Attached to this Ordinance as Exhibit B are records of The  
8 Harford County Agricultural Advisory Board evaluating all  
9 applications to offer development right easements to the County,  
10 with each application ranked pursuant to the County's easement  
11 priority ranking system.

12 The County has now determined to enter into an Installment  
13 Purchase Agreement with George L. Kegley, III and Marlene G.  
14 Kegley, or any other person who is or becomes the owner of all or  
15 any portion of the Land (hereinafter defined) prior to execution  
16 and delivery of such Agreement, in order to acquire the development  
17 rights in approximately 80 acres, more or less, of agricultural  
18 land located at 2451 Bradenbaugh Road, Jarrettsville, Maryland  
19 within the County for an aggregate purchase price not in excess of  
20 \$151,132.00, plus interest thereon, the actual amount of the  
21 purchase price to be equal to the lesser of such maximum amount or  
22 \$1,889.15 times the number of acres in such land (minus one acre  
23 for any existing residential dwelling located thereon), upon the  
24 terms and conditions hereinafter set forth.

1 NOW, THEREFORE:

2 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF HARFORD  
3 COUNTY, MARYLAND, That

4 (a) Harford County, Maryland (the "County") shall enter  
5 into an Installment Purchase Agreement (the "Installment Purchase  
6 Agreement") with George L. Kegley, III and Marlene G. Kegley or any  
7 person who is or becomes the owner of all or any portion of the  
8 Land (hereinafter defined) prior to the execution and delivery of  
9 the Installment Purchase Agreement (the "Seller") in order to  
10 acquire the development rights in approximately 80 acres of land,  
11 more or less, located at 2451 Bradenbaugh Road, Jarrettsville,  
12 Maryland within the County (the "Land"), for an aggregate purchase  
13 price not in excess of \$151,132.00 (the "Purchase Price"), plus  
14 interest thereon as hereinafter provided; provided that the actual  
15 amount of the Purchase Price shall be equal to the lesser of such  
16 maximum amount or \$1,889.15 multiplied by the number of acres in  
17 the Land (minus one acre for any existing residential dwelling  
18 located thereon);

19 (b) The Installment Purchase Agreement shall be in  
20 substantially the form attached hereto as Exhibit C and made a part  
21 hereof, and in such form the Installment Purchase Agreement is  
22 hereby approved as to form and content. The Installment Purchase  
23 Agreement shall be dated as of the date of its execution and  
24 delivery by the County and the Seller (the "Closing Date");

25 (c) A portion of the Purchase Price, in the amount  
26 determined as hereinafter provided, shall be paid in cash on the

1 Closing Date. The balance of the Purchase Price shall be paid to  
2 the Seller in each year thereafter to and including a date not more  
3 than twenty (20) years after the Closing Date. The dates on which  
4 each such installment is payable shall be determined by the County  
5 Executive and the Treasurer and shall be inserted in the form of  
6 the Installment Purchase Agreement attached hereto as Exhibit C;

7 (d) Interest on the unpaid balance of the Purchase Price  
8 shall accrue from the Closing Date and shall be payable at least  
9 annually in each year, commencing on the first of such dates to  
10 follow the Closing Date and continuing to and including a date not  
11 more than 20 years after the Closing Date at an interest rate equal  
12 to the yield on U.S. Treasury STRIPS maturing on the date next  
13 preceding the final maturity date in the Installment Purchase  
14 Agreement determined as of the business day preceding the Closing  
15 Date and rounded to the next highest 0.05% per annum. Interest  
16 shall be calculated on the basis of a 360-day year of twelve 30-day  
17 months;

18 (e) The County's obligation to make payments of the  
19 Purchase Price under the Installment Purchase Agreement and to pay  
20 interest thereon is and shall be a general obligation of the County  
21 and is and shall be made upon its full faith and credit.

22 SECTION 2. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF  
23 HARFORD COUNTY, MARYLAND,

24 That it is hereby found and determined that:

25 (a) The acquisition of the development rights in the  
26 Land as set forth in Section 1 of this Ordinance and in the form of

1 the Installment Purchase Agreement attached hereto as Exhibit C is  
2 in the best interests of the County;

3 (b) The Installment Purchase Agreement is a contract  
4 providing for the payment of funds at a time beyond the fiscal year  
5 in which it is made and requires the payment of funds from  
6 appropriations of later fiscal years;

7 (c) Funds for the payment of the Purchase Price under  
8 the Installment Purchase Agreement are included in the Budget  
9 Ordinance, As Amended;

10 (d) The County shall acquire the development rights in  
11 the Land in perpetuity;

12 (e) The Purchase Price is within the legal limitation on  
13 the indebtedness of the County as set forth in Article 25A, § 5(P)  
14 of the Annotated Code of Maryland;

15 (f) The cost of acquiring the development rights in the  
16 Land is equal to the Purchase Price;

17 (g) The only practical way to acquire the development  
18 rights in the Land is by private negotiated agreement between the  
19 County and the Seller.

20 SECTION 3. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF  
21 HARFORD COUNTY, MARYLAND, That the Installment Purchase Agreement  
22 shall be signed by the County Executive of the County (the "County  
23 Executive") by her manual signature, and the Installment Purchase  
24 Agreement shall bear the corporate seal of the County, attested by  
25 the manual signature of the Director of Administration of the  
26 County (the "Director of Administration"). In the event that any

1 officer whose signature shall appear on the Installment Purchase  
2 Agreement shall cease to be such officer before the delivery of the  
3 Installment Purchase Agreement, such signature shall nevertheless  
4 be valid and sufficient for all purposes, the same as if such  
5 officer had remained in office until delivery.

6 SECTION 4. AND BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF  
7 HARFORD COUNTY, MARYLAND, That the County Executive and the  
8 Treasurer are hereby authorized, prior to execution and delivery of  
9 the Installment Purchase Agreement, to make such changes or  
10 modifications in the form of the Installment Purchase Agreement  
11 attached hereto as Exhibit C as may be required or deemed  
12 appropriate by them in order to accomplish the purpose of the  
13 transactions (including, but not limited to, determining the  
14 portion of the Purchase Price to be paid in cash on the Closing  
15 Date and establishment of interest and principal payment dates in  
16 each year that the Installment Purchase Agreement is outstanding)  
17 authorized by this Ordinance; provided that such changes shall be  
18 within the scope of the transactions authorized by this Ordinance  
19 and the execution of the Installment Purchase Agreement by the  
20 County Executive shall be conclusive evidence of the approval by  
21 the County Executive of all changes or modifications in the form of  
22 the Installment Purchase Agreement and shall thereupon become  
23 binding upon the County in accordance with its terms, as authorized  
24 by Section 524 of the Charter and the Authorizing Act  
25 (collectively, the "Enabling Legislation"), and as provided for in  
26 this Ordinance.

1        SECTION 5.    BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF  
2    HARFORD COUNTY, MARYLAND, That the County Executive, the Director  
3    of Administration, the Treasurer of the County and other officials  
4    of the County are hereby authorized and empowered to do all such  
5    acts and things and to execute, acknowledge, seal and deliver such  
6    documents (including a Tax Certificate and Compliance Agreement)  
7    and certificates as the County Executive may determine to be  
8    necessary to carry out and comply with the provisions of this  
9    Ordinance subject to the limitations set forth in the Enabling  
10   Legislation and any limitations set forth in this Ordinance.

11       SECTION 6.    BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF  
12   HARFORD COUNTY, MARYLAND, That the Treasurer of the County is  
13   hereby designated and appointed as registrar and paying agent for  
14   the Installment Purchase Agreement (the "Registrar").    The  
15   Registrar shall maintain, or cause to be maintained, books of the  
16   County for the registration and transfer of ownership of the  
17   Installment Purchase Agreement.    In addition, the County may, from  
18   time to time, designate and appoint the Department of the Treasury  
19   of the County, any officer or employee of the County or one or more  
20   banks, trust companies, corporations or other financial  
21   institutions to act as a substitute or alternate registrar or  
22   paying agent for the Installment Purchase Agreement, and any such  
23   substitute or alternate shall be deemed to be the Registrar or an  
24   alternate Registrar for all purposes specified in the resolution  
25   appointing such substitute or alternate.    Any such appointment  
26   shall be made by the County Council by resolution and the exercise



1 of such power of appointment, no matter how often, shall not be an  
2 exhaustion thereof.

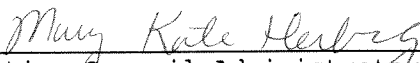
3       SECTION 7. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF  
4 HARFORD COUNTY, MARYLAND, That for the purpose of paying the  
5 installments of the Purchase Price when due and payable and the  
6 interest on the unpaid portion of the Purchase Price when due and  
7 payable, there is hereby levied, and there shall hereafter be  
8 levied in each fiscal year that any portion of the Purchase Price  
9 payable under the Installment Purchase Agreement remains  
10 outstanding, *ad valorem* taxes on real and tangible personal  
11 property and intangible property subject to taxation by the County,  
12 without limitation of rate or amount, and, in addition, upon such  
13 other intangible property as may be subject to taxation by the  
14 County within limitations prescribed by law, in an amount  
15 sufficient, together with the portion of the transfer tax imposed  
16 on transfers of real property in Harford County which is dedicated  
17 to agricultural land preservation and other available funds, to pay  
18 any installment of the Purchase Price under the Installment  
19 Purchase Agreement maturing during the succeeding year and to pay  
20 the annual interest on the outstanding balance of the Purchase  
21 Price until all of the Purchase Price under the Installment  
22 Purchase Agreement and such interest have been paid in full; and  
23 the full faith and credit and the unlimited taxing power of the  
24 County are hereby irrevocably pledged to the punctual payment of  
25 the Purchase Price under the Installment Purchase Agreement and the

1 interest on the unpaid balance of the Purchase Price as and when  
2 the same respectively become due and payable.

3 SECTION 8. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF  
4 HARFORD COUNTY, MARYLAND, That this Ordinance shall take effect  
5 sixty (60) calendar days after it becomes law.

EFFECTIVE: November 2, 1998

The Acting Council Administrator of the Council  
does hereby certify that fifteen (15) copies of  
this Bill are immediately available for  
distribution to the public and the press.

  
\_\_\_\_\_  
Acting Council Administrator

TLMC:\99AGLAND\KEGLEY.ORD  
July 16, 1998

HARFORD COUNTY BILL NO. 98-33(Brief Title) Agricultural Land Preservation -  
Kegley Property

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

Diane Swint Levin  
Acting Council Administrator

Joanne S. Parratt  
President of the Council

Date September 1, 1998Date Sept. 1, 1998

BY THE COUNCIL

Read the third time.

Passed: LSD 98-24

Failed of Passage: \_\_\_\_\_

By Order

Diane Swint Levin  
Acting Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 3rd day of September, 1998 at 3:00 p. m.

Diane Swint Levin  
Acting Council Administrator

BY THE EXECUTIVE

Eileen M. Redmann  
COUNTY EXECUTIVE

APPROVED: Date September 3, 1998

BY THE COUNCIL

This Bill (No. 98-33), having been approved by the Executive and returned to the Council, becomes law on September 3, 1998.

Diane Swint Levin  
Acting Council Administrator

EFFECTIVE DATE: November 2, 1998